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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,970	11/14/2000	Wayne H. Rothschild	47079-00063	8706

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EXAMINER

RADA, ALEX P

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/711,970

Applicant(s)

ROTHSCHILD, WAYNE H.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 10-11, 13-19, 22-31, 37-38, 40-46, 49-56, 59, 61-63, and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Glasson '600.

4. Glasson discloses a basic game, a processor, a wager amount, a plurality of simulated reels on a visual display, one or more special symbols, and an interplay feature activated by the processor in response to the special symbol interacting graphically with one or more symbols in the array to portray one of a plurality of possible actions as recited in claims 1, 28, 55-56, 59, 61-63, and 66. The visual display is a video display as recited in claims 2 and 29. Each of the special symbols is associated with at least one of the other special symbols (frog and landing pad) and all the symbols are special symbols as recited in claims 3-4, and 30-31. The outcome of the interplay feature depends on an input from a player (activation of the game) as recited in claims 10 and 37. The arrangement and outcome of the interplay are determined at least in part by proximity of the special symbols in the symbol array (figures 2-9) as recited in claims 11 and 38. The interplay generates a payout depending at least in part on an outcome and the affects initialization or scoring of a subsequent round of the interplay feature, and an action screen shown on the visual display, as recited in claims 13-15 and 40-42. The symbols in the array are arranged in visual association with one or more pay lines and the interplay feature illustrating the path of a pay line (figure 1) as recited in claims 16 and 43. The number of reels is adjusted (re-spinning) according to an outcome of the interplay feature as recited in claims 17 and 44. The payout is determined at least in part by the symbol array before or after the interplay feature as recited in claims 18 and 45. During the interplay feature the processor animates at least one of the symbols as recited in claims 19 and 46. The special symbol moves from a first position in the symbol array to a second position in the array (figures 2-9) and the second position in the array is

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occupied by another special symbol (landing pad) as recited in claim 22-23 and 49-50. The special symbol moves to a plurality of positions in the symbol array during the interplay feature (figures 2-9) and wherein at least one of the reels stops rotating after the processor stops as recited in claims 24-25 and 51-52. During the interplay the special symbol interacts with graphics on the display other than the symbols on the reels (jumping) as recited in claims 26 and 53. The action screen is superimposed over the symbols in the array as recited in claims 27 and 54.

5. Claims 57-58, 60 and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Bally Gaming.

6. Bally Gaming discloses a basic game, a processor, a wager amount, a plurality of simulated reels on a visual display, one or more special symbols, and a pair of special symbols (dice mode) appearing in the array and interacting graphically with each other.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-9, 20-21, 32-36, 47-48, and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasson '600 in view of Roffman '568.

9. Glasson further disclose a thematic pay line is a scatter pay line as recited in claims 8 and 35 and the claimed invention as discussed above except for the basic game having one or more

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theme, each special symbol relates to at least one of the themes, the number of reels depending on the theme of the game, the array are arranged in t visual associate with one or more pay lines including a thematic pay line, and the interplay feature simulates sports. Roffman teaches a basic game having one or more theme, each special symbol relates to at least one of the themes, the number of reels depending on the theme of the game, the array are arranged in t visual associate with one or more pay lines including a thematic pay line, and the interplay feature simulates sports. By having a themes associated to a game, one of ordinary skill in the art would be able to entice game players to play a favorite game. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Glasson to include a basic game having one or more theme, each special symbol relates to at least one of the themes, the number of reels depending on the theme of the game, the array are arranged in t visual associate with one or more pay lines including a thematic pay line, and the interplay feature simulates sports as taught by Roffman. To do so would attract game players to play a new game.

Regarding claims 21 and 65, the particular indicia used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific indicia claimed versus the indicia taught by the prior art.

10. Claims 12 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasson '600 in view of Barrie '384.

11. Glasson discloses the claimed invention as discussed above except for the interplay feature rearranges or changes the symbols array. Barrie teaches an interplay feature rearranging or changing the symbols in the array. By rearranging or changing the symbols in the array, one

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of ordinary skill in the art would be able to provide game players with a secondary chance at a bigger payout. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Glasson to include an interplay feature rearranging or changing the symbols in the array as taught by Barrie. To do so would be able to provide give game players a second chance to win a bigger payout.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson '766 discloses a gaming machine having at least one visual display and a game of chance controlled by a process in response to a wager.

Bennett '013 discloses a gaming machine having a display and game, control the game control being arranged to play a game wherein a plurality of symbols are randomly selected from the predetermined set of symbols and displayed in rows on the display.

Bennett '977 discloses a slot machine of the type having a vide display screen which display a plurality of rotatable reels carrying symbols.

Lermusiaux '885 discloses a method for player to play wagering game based upon sports game such as football.


Manship '843 discloses a video slot machine having a display screen on which the wheels of the slot machine are simulated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

APR  
apr  
October 31, 2002

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700